

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

TRACY L. RUBMAN; JAMES ELLERY
BAKER; KATHY A. LOTHIAN

Plaintiffs,

vs.

BAYER AG; MONSANTO COMPANY;
BAYER CROPSCIENCE L.P.; SOLUTIA,
INC.; PHARMACIA, L.L.C.; PHARMCIA,
INC.; and PHARMACIA CORP.

Defendants.

CASE NO. 2:22-CV-00181-WKS

DECLARATION OF WAYNE HUBBARD, PE, LEED, AP

1. My name is Wayne Hubbard. I am a professional engineer, licensed in the state of New York. I have been a professional engineer for over 30 years during which I have been asked to perform inspections of hundreds of buildings. I am employed at the international construction engineering firm, Socotec.
2. I have been retained by counsel for Monsanto in the above-captioned litigation to assist in performing an inspection of the buildings that comprise the Burlington High School in Burlington, Vermont.
3. My particular focus will be on the condition, operation and functionality of the buildings' mechanical systems, including HVAC, electrical, plumbing and fire safety.
4. A prerequisite to performing a meaningful inspection of the buildings' mechanical systems is a careful and detailed review of relevant building engineering and maintenance documents that are typically available for pre-inspection review.

**EXHIBIT
H**


5. These would include the following:

- Original Design Team Bid Document Sets – Project Specifications, Architectural, Structural, Mechanical, Plumbing, Electrical, Fire Protection, Food Service, Laboratory Fit Out;
- As-Built Document Sets- Architectural, Structural, Mechanical, Plumbing, Electrical, Fire Protection, Food Service, Laboratory Fit Out;
- New Building Commissioning Manual with Equipment Operation and Maintenance Guides;
- Architectural Renovation Bid Documents - Plans and Specifications, Contract and As-Built;
- HVAC Renovation Bid Documents -Plans and Specifications, Contract and As-Built;
- HVAC Equipment Maintenance Contracts;
- HVAC System Retro Commissioning Reports;
- Building Management System Installation Bid Documents -Plans and Specifications, Contract and As-Built;
- Electrical System Renovation Bid Documents -Plans and Specifications, Contract and As-Built;
- Fire protection Renovation Bid Documents -Plans and Specifications, Contract and As-Built;
- Structural Renovation Bid Documents -Plans and Specifications, Contract and As-Built;
- Roof Replacement Bid Documents -Plans and Specifications, Contract and As-Built;
- Facilities Maintenance Plan, Procedures and Schedules – HVAC Coil and Duct Cleaning, Filter Replacement;
- Facilities Itemized HVAC Condition Equipment Condition Audits and Repair History;
- HVAC Air System Balancing Reports, Contracts and Invoices;
- HVAC System Equipment Repair Contracts and Invoices;
- Fire Protection System Repair Contracts and Invoices;
- Air Quality Complaints, Mold Studies and Air Quality Reports;
- Facilities Work Order System Archive Reports;
- Teacher Complaint Logs;
- Radon Reports;
- Floor Cleaning Schedules and Maintenance Contracts;
- Pest Management Contracts and Reports;
- Asbestos Inspection Reports – AHERA;
- Toxic Chemical Release Reports - SARA Title III;
- Chemistry Department Acid Waste Neutralizer Contract;

- Capital Improvement Studies by Consultants and Contractors;
 - School Board Capital Improvements Plans;
 - Energy Savings Studies by Consultants, Utilities and Contractors;
 - Facilities Feasibility Planning Studies;
 - Facilities Benchmarking Studies;
 - School Board Meeting Minutes;
 - Facilities Fire Damage and Vandalism Reports; and,
 - PCB Chemical Testing Reports.
6. These documents contain essential information needed to understand the mechanical design and operation of the buildings' mechanical systems, both as originally designed and as modified over time.
7. Without a detailed pre-inspection review of relevant documents, an engineer would essentially be "walking blind" through buildings and make it extremely difficult to meaningfully understand and assess the operation, condition, and functionality of the buildings' mechanical systems.
8. I declare that the above statement is true and accurate to the best of my knowledge and belief. I understand that if the above statement is false, I will be subject to the penalty of perjury, or other sanctions in the discretion of the court.

Date:

12/13/22

 PE

Wayne Hubbard, PE, LEED, AP